

## **TOWN OF EMMITSBURG**

300A South Seton Avenue  
Emmitsburg, Maryland 21727  
301-600-6300 fax: 301-600-6313

**Mayor**  
Donald N. Briggs  
**Town Manager**  
David Haller  
**Town Clerk**  
Cathy Willets

**Board of Commissioners**  
Timothy O'Donnell, President  
Clifford Sweeney, Vice President  
Glenn Blanchard, Treasurer  
Jennifer Mellor  
Joseph Ritz III

## **TOWN MEETING AGENDA FEBRUARY 1, 2016**

### **I) CALL MEETING TO ORDER (7:30PM)**

#### **A. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **B. NEXT MEETINGS:**

*Town Meeting March 7 @ 7:30pm*

*Parks Committee February 16 @ 7:30pm*

#### **C. APPROVE MINUTES FROM: January 20, 2016**

#### **D. COMMISSIONER COMMENTS**

#### **E. MAYOR COMMENTS**

#### **F. PUBLIC COMMENTS**

#### **G. ADMINISTRATIVE BUSINESS**

#### **H. CONSENT AGENDA (*see attached*)**

#### **I. REPORTS**

Treasurer's

Planning Commission

*For more information go to [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov)*

**II) AGENDA ITEMS:**

1. Audit Report related to Town finances
2. Presentation related to possibility of additional plaque at Doughboy site
3. Public Hearing for ordinances related to 16-01 & 16-02 and 16-03 through 16-06 related to modifying Open Space to Institutional
4. Public Discussion of Pembroke Woods maintenance report

**III) SET AGENDA ITEMS FOR MARCH 7, 2016 TOWN MEETING**

**IV) SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**

## **ITEM C**

### **MEETING MINUTES:**

*January 20, 2016*

**MINUTES  
TOWN MEETING  
January 20, 2016  
Emmitsburg Town Office**

**Present:** Mayor Donald Briggs; Commissioners Clifford Sweeney, Joseph Ritz III, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.

Staff present were Cathy Willets, Town Clerk; and Dave Haller, Town Manager.

**Absent:**

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**Call to Order**

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the January 20, 2016 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

**Approval of Minutes**

The Minutes of the January 20, 2016 Town Meeting were approved as presented/corrected. Motion by Commissioner Sweeney and Second by Commissioner Ritz III. Pass 5 to 0.

**Commissioner Comments**

Commissioner(s) cited attendances, recognitions and announcements. Commissioner Ritz III advised the Citizen Advisory Committee met on 01/19/16 and discussed several items such as: bringing a Main Street Program to Emmitsburg like the ones in Thurmont and Taneytown, bypasses as outlined in Comp Plan, and Community Watch. He also said they discussed the idea of having Mount students do a study to bring new businesses into Town coupled with the square revitalization. Commissioner Sweeney announced there will be a Community Heritage Day wing feed fundraiser on February 13, 2016. Tickets are available for \$20 and food will be served 3-7pm with entertainment from 7-11pm. Commissioner Blanchard attended the Vigilant Hose Annual Banquet and had an opportunity to speak with County Executive Jan Gardner. He noted that she has been very visible in the Northern County. Commissioner O'Donnell thanked staff for their prompt response on the water line break.

**Mayor's Comments**

Mayor Briggs also attended the Vigilant Hose Banquet. He also noted County Executive Jan Gardner's visibility. County Commissioner Kirby Delauter was also in attendance. The Mayor attended the Mayor/Burgess meeting sponsored by the County Executive at Winchester Hall. He also met with the Mount financial officer and Vice President to discuss town affairs and relationship. Mayor Briggs thanked Commissioner Ritz III for the Main Street program but commented how expensive it is. The Mayor discussed an alternative such as his sustainable community program. He mentioned the sidewalks should be done by 2017 and he has been looking at commercial spaces for businesses to grow such as the Ireland building on East Main St. Mayor Briggs relayed that Stavros should be making an opening announcement in the middle of February. He does realize that parking is an issue in Town and staff is looking into several possibilities. Commissioner O'Donnell requested appropriate user-friendly signage to direct people to our retail and different sites.

**Administrative Business**

*Re-appoint Keith Suerdiek to the Planning Commission  
Motion by Commissioner Sweeney, Second by Commissioner Mellor  
Vote 5 to 0 passed*

*For more information go to [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov)*

Commissioner O'Donnell mentioned that a representative from Bicycle Escape contacted him about sponsoring a cycling event at Rainbow Lake. He stated they will bring about 90 bikes and helmets for people to come out and ride the trails. Commissioner Mellor suggested utilizing message boards the day of the event. There was consensus from the Board as well as the Mayor and Mr. Haller to proceed with the event. Commissioner O'Donnell said he was approached by Mrs. Ott who said she received multiple water bills for other people during this last water bill mailing. She also had a question about the water rates and the fact she does not use the minimum amount of water but still has to pay the minimum. Mayor Briggs stated that he did already speak with her about both issues. Commissioner Ritz III asked about looking into lowering the minimum water usage. Commissioner O'Donnell requested a presentation or discussion on how the rates were set and how the bills are calculated. Commissioner O'Donnell also requested permission to approach town staff with trail maps, services and businesses. Mr. Haller said it was ok.

### **Consent Agenda - none**

#### **Reports:**

**Town Manager Report** - Mr. Haller reported on the public works department monthly activities to include a water production and consumption analysis. Mr. Haller reported the wells are now an average of 7.3 feet below their May 2011 levels. He also noted we have a precipitation surplus of 14.3" over the last six months. Mr. Haller detailed that there were no spills of untreated sewerage in December, however we exceeded the plant's design capacity on nine days. He noted that staff has winterized all the restrooms in the parks as well as all the ballfields. Commissioner O'Donnell asked about the recent water line break. Mr. Haller advised the drastic change in temperature caused the break. He said the fix is a long term one (at least 10 years). Mr. Haller thanked the Board's support over the years and because of that support our system is solid. Commissioner O'Donnell stated that he will bring the Pembroke Woods list back at a future meeting when the HOA president could attend. Commissioner Ritz III asked about Brookfield and Mr. Haller advised the development is in the rotation. In reviewing the zoning report, Commissioner O'Donnell questioned the new pool company/contract process. Mr. Haller said we are working with the new company. All are hoping for good service and opening on time. Detailed report Exhibit A.

**Town Planners Report** - Mr. Haller reported on Ms. Cipperly's activities. Ms. Cipperly has been working on the two proposed ordinances regarding setbacks in residential zones as well as several text amendments to address changing the OS zoning title to Institutional.

**Police Report** - Deputy Whitehouse presented the police report for November and December 2015. He addressed the two fires and fatalities in Town. He addressed concerns about parking on sidewalks. He stressed that it is illegal to stop and/or park on sidewalks. It is a \$60 fine but no points. Commissioner O'Donnell thanked Dfc. Whitehouse for his efforts during the fire at Paul's Pit Stop. Commissioner Mellor thanked him for his quick response to speeding complaints in Silo Hill. Detailed report at Exhibit B.

## **II. Agenda Items**

### **For consideration and possible final approval – Nuisance Ordinance**

The people signed up for public comment on this agenda item were invited to speak first. T.J. Burns spoke first and relayed he felt the ordinance was too broad and open to

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interpretation for example what is something that negatively impacts the well-being of other or disturbs the quality of life? He felt that the fire alarm that goes off could be considered a nuisance. Mr. Burns also felt that someone who had it out for another person could make false complaints that would lead to a violation. The deputy and Commissioner O'Donnell assured him that law enforcement as well as staff would see through it. Ms. Glass said she felt the ordinance had not changed since the first one and it still left commercial entities subject to the ordinance. She too felt the ordinance was open to interpretation and after this Mayor and/or Town Manager left other persons would be responsible for determining violations. Mr. Craig simply stated he felt it was too broad and needed to be narrowed. Mr. Haller advised that the Town Attorney wrote the ordinance and it does not apply to commercial. A reference was made to page 2 of 4 of the ordinance "The provisions of this Chapter shall apply only to property used primarily for residential purposes...."

Commissioner Ritz III said the purpose of the ordinance is commendable but he questions when a complaint is received "what negatively disturbs the quality of life?" He would like to present it to the Citizens Advisory Committee for suggestions on wording. Commissioner Ritz III stated they do not meet again till April but could call a special meeting. Commissioner Mellor volunteered to work with him on the wording. Commissioner Blanchard stated there definitely needs to be something in place but need to tighten it up. Commissioner O'Donnell stated he would like to hear from the people who complained on the other side of the issue; those who were affected by the "nuisances." The Mayor stated he encourages the comments and just wished staff had received them sooner. He said he has been talking to Mount staff and there is a desire for MSM to grow and increase enrollment. The Mayor stated with increased enrollment will come students moving downtown. He wants to make it a safe and desirable place for them to live.

At this time, comments were taken from each of the Commissioners as to the status of the ordinance. Commissioner Sweeney – tighten it up. Commissioner Mellor – manage issues with the Mount, Outreach programs, not comfortable voting to put someone out of their house; Commissioner Ritz III – ordinance very general, re-visit, re-word with better clarification; Commissioner Blanchard – tighten it up, a tool the Town should have; and Commissioner O'Donnell – leaning towards a nuisance ordinance but it needs tightened up; it's too broad and open to interpretation; want to have students in Town; need a safety net; Outreach programs have value; bring back a better product.

A suggestion was made to have a Board or committee of several people review the complaint(s) and then vote. Mayor Briggs was supportive of taking the ordinance to the Citizens Advisory Committee. **NO VOTE.**

#### **Meetings Policy related to number of monthly Town Council meeting**

Commissioner O'Donnell conducted a quick review of the policy that was developed per the Commissioners and Mayor comments at the January 4, 2016 town meeting.

**Motion:** - To adopt Policy 16-01 as written.

Motion by Commissioner Ritz III second by Commissioner Mellor

**Vote: 5-0 in favor**

#### **Set Agenda Items for February 1, 2016 Town Meeting**

1. Audit Report related to Town finances
2. Presentation related to the possibility of an additional plaque at Doughboy site
3. Public Hearing for Ordinances 16-01 & 16-02 and 16-03 through 16-06 related to modifying OS to Institutional
4. Public Discussion of Pembroke Woods town staff maintenance report

**Consent Agenda** – consideration of Ms. Wendy Walsh for appointment to the Citizens Advisory Committee

*For more information go to [www.emmitsburgmd.gov](http://www.emmitsburgmd.gov)*

**III Public Comments**

1. Harold Craig, 103 W. Main St. Emmitsburg, MD 21727; Crosswalk at School Lane and Main St.  
*Mr. Craig asked the Board to consider putting a crosswalk at Main St. and School Lane. He feels it would be safer for pedestrians in that area with a controlled crosswalk. Mr. Haller agrees, but it is not included in the SHA plan. Mr. Haller stated staff will send Mr. Craig's letter to SHA.*
2. T.J. Burns, 321 Mountaineers Way Emmitsburg, MD 21727; nuisance ordinance
3. Susie Glass, 239 N. Seton Ave. Emmitsburg, MD 21727; nuisance  
*Mrs. Glass thanked the Mayor and others for the smoke detectors. She offered help for Community/Heritage Day.*

**IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS**

**IV Adjournment**

With no further business, the January 20, 2016 Town Meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Cathy Willets  
Recording Secretary

Approved:

## **ITEM G**

### **ADMINISTRATIVE BUSINESS:**

*No Items*



## **ITEM H**

### **CONSENT AGENDA:**

*Consideration of Wendy Walsh to the Citizens Advisory Committee*

## **ITEM I**

### **REPORTS:**

*Treasurer's Report - see attached*

*Planning Commission Report – to be given at the meeting*

**TOWN OF EMMITSBURG**  
**CASH ACTIVITY as of January 27, 2016**

\$3,397,388	Cash Balance January 1, 2016
423,928	Deposits
<u>-248,218</u>	Withdrawals
\$3,573,098	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$58,326	Treasurer of Fred Co	2qtr FY16 Law Enforcement Agreement	01.13.16	35413
26,008	GHD Inc	Dec 15 WWTP Enr Upgrade	01.06.16	35384
24,721	Comp of MD	4qtr FY16 Bay Restoration Fee	01.20.16	35427
17,721	MD Dept of Bud & Mgmt	Dec 15 Health Insurance	12.29.15	35369
16,266	Carmax	2012 Chevrolet Colorado	01.20.16	35431
15,697	RK&K	WWTP Enr Upgrades	01.13.16	35423
8,451	UGI Energy	Dec 15 Solar Charges	12.22.15	35365
8,121	UGI Energy	Dec 15 Solar Charges	12.22.15	35365
8,067	Motor Technology	WWTP Size 8 Pump	01.20.16	35442
6,470	Catoclin Labs	Chemicals	01.20.16	35432

*Ck dates 12/22/15 to 01/26/16*

## **AGENDA ITEMS**

### **ITEM 1**

*Audit Report related to Town finances – presentation at meeting*

## **AGENDA ITEMS**

### **ITEM 2**

*Presentation related to possibility of additional plaque at Doughboy site – at meeting*

## **AGENDA ITEMS**

### **ITEM 3**

*Public Hearing for ordinances 16-01 & 16-02 and 16-03 through 16-06 related to modifying Open Space to Institutional*

*Notes from the Planning Commission meeting:*

1. *Regarding 16-01 and 16-02, the Planning Commission thought that decreasing the side setbacks for accessory structures should be limited to those lots of thirty feet in width or less. Wording was added to confirm that accessory structures may only be placed in side or rear yards, not front yards. They also discussed the definition of "front yard" as it relates to corner lots, where there are 2 front yards by definition, so sheds, etc. could not be placed between the principal structure and the lot line on a corner lot.*
2. *Planning Commission recommendations:*
  - 16-03: No change*
  - 16-04: 16.48.070 remove recreation areas, parks*
  - 16-05: 17.04.020 B Delete "institutional" from within the definition. Remove "recreation areas, parks"*
  - 16-06: 17.28.010 Purpose Insert "educational", delete "institutional", add schools. (These were also discussed at the town meeting.)*

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ORD. NO. 16-01

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AN ORDINANCE TO AMEND  
TITLE 17  
OF THE CODE OF EMMITSBURG  
ENTITLED  
ZONING

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 17.32.110 of the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

17.32.110 Accessory Uses and Structures

In residential districts, accessory uses are detached one story accessory uses (such as a private garage, a private swimming pool and a garden or tool shed). **ACCESSORY STRUCTURES MAY BE PLACED IN SIDE OR REAR YARDS, BUT ARE NOT ALLOWED IN ANY FRONT YARD AS DEFINED IN §17.04.020.**

Accessory structures shall remain six (6) feet from the side **LOT LINES** and **SIX FEET (6) FROM THE** rear lot lines, or in the case of a swimming pool, a distance equal to the maximum depth of the pool. Detached means not connected to the principal structure. **WHERE THE LOT WIDTH EXISTING AS OF SEPTEMBER 1, 2001 IS THIRTY (30) FEET OR LESS, AN ACCESSORY STRUCTURE LESS THAN ONE HUNDRED AND FIFTY SQUARE FEET IN SIZE SHALL REMAIN AT LEAST THREE (3) FEET FROM THE SIDE LOT LINES AND SIX (6) FEET FROM THE REAR LOT LINE.**

**A PRIVATE DETACHED GARAGE, CAR CANOPY OR STRUCTURE ONE HUNDRED AND FIFTY SQUARE FEET OR LARGER SHALL REMAIN SIX FEET OFF THE SIDE AND REAR LOT LINES.** In the case of a private detached garage, car canopy **OR STRUCTURE ONE HUNDRED AND FIFTY SQUARE FEET OR LARGER**, where the lot width existing as of September 1, 2001, is thirty (30) feet or less, the side setback requirement shall be a distance of at least six feet from one side lot line, and six feet from the rear property line.

**ADDITIONALLY, ACCESSORY STRUCTURES MUST ALSO MEET THE REQUIREMENTS LISTED BELOW:**

**NO MORE THAN 30% OF THE REAR YARD OF A LOT, AS DEFINED IN §17.04.020, IS ALLOWED TO BE COVERED WITH ACCESSORY STRUCTURES.**

**ONLY ONE ACCESSORY STRUCTURE ON A LOT MAY BE BUILT UNDER THE ZERO LOT LINE SETBACK AS ALLOWED FOR LOTS LESS THAN THIRTY (30) FEET IN WIDTH.**

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ORD. NO. 16-01

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**ALL LOTS WITH ACCESSORY STRUCTURES MUST DEMONSTRATE A CLEAR AND DIRECT SIX (6) FOOT PATH FROM THE REAR OF THE LOT TO THE PRINCIPLE STRUCTURE ON THE LOT.**

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_\_ for, \_\_\_ against, \_\_\_absent, and \_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Cathy Willets, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President



AN ORDINANCE TO AMEND  
TITLE 17  
OF THE CODE OF EMMITSBURG  
ENTITLED  
ZONING

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 17.36.030 of the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

17.36.030 Accessory Uses and Structures

Accessory uses and structures permitted in the VZ zone are: detached one story accessory uses (such as a private garage, a private swimming pool and a garden or tool shed).

**ACCESSORY STRUCTURES MAY BE PLACED IN SIDE OR REAR YARDS, BUT ARE NOT ALLOWED IN ANY FRONT YARD AS DEFINED IN §17.04.020.**

Accessory structures **LESS THAN ONE HUNDRED AND FIFTY SQUARE FEET IN SIZE** shall remain ~~six (6)~~ **THREE (3)** feet from the side **LOT LINES** and **SIX FEET FROM THE** rear lot lines, or in the case of a swimming pool, a distance equal to the maximum depth of the pool. Detached means not connected to the principal structure. No satellite dishes may be installed on roof lines. **WHERE THE LOT WIDTH EXISTING AS OF MAY 1, 2012 IS THIRTY (30) FEET OR LESS, AN ACCESSORY STRUCTURE LESS THAN ONE HUNDRED AND FIFTY SQUARE FEET IN SIZE SHALL REMAIN AT LEAST THREE (3) FEET FROM THE SIDE LOT LINES AND SIX (6) FEET FROM THE REAR LOT LINE.**

**A PRIVATE DETACHED GARAGE, CAR CANOPY OR STRUCTURE ONE HUNDRED AND FIFTY SQUARE FEET OR LARGER SHALL REMAIN SIX FEET OFF THE SIDE AND REAR LOT LINES.** In the case of a private detached garage, car canopy **OR STRUCTURE ONE HUNDRED AND FIFTY SQUARE FEET OR LARGER**, where the lot width existing as of May 1, 2012, is thirty (30) feet or less, the side setback requirement shall be a distance of at least six feet from one side lot line, and six feet from the rear property line.

**ADDITIONALLY, ACCESSORY STRUCTURES MUST ALSO MEET THE REQUIREMENTS LISTED BELOW:**

- 1. NO MORE THAN 30% OF THE REAR YARD OF A LOT, AS DEFINED IN §17.04.020, IS ALLOWED TO BE COVERED WITH ACCESSORY STRUCTURES.**
- 2. ONLY ONE ACCESSORY STRUCTURE ON A LOT MAY BE BUILT UNDER THE ZERO LOT LINE SETBACK AS ALLOWED FOR LOTS LESS THAN THIRTY (30) FEET IN WIDTH.**

**3. ALL LOTS WITH ACCESSORY STRUCTURES MUST DEMONSTRATE A CLEAR AND DIRECT SIX (6) FOOT PATH FROM THE REAR OF THE LOT TO THE PRINCIPLE STRUCTURE ON THE LOT.**

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_\_ for, \_\_\_ against, \_\_\_absent, and \_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Cathy Willets, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

AN ORDINANCE TO AMEND  
TITLE 17  
OF THE CODE OF EMMITSBURG  
ENTITLED  
ZONING

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 17.08.10 and 17.48.040 of the Emmitsburg Municipal Code, be amended as follows.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

17.08.010 - Establishment of districts.

For the purpose of this title, all land within the town is designated on the zoning map as being in one of the following districts:

~~OS Open space;~~ **INST INSTITUTIONAL**

R-1 Low density residential;

R-2 Medium density residential;

R-3 High density residential;

R-S Residential suburban;

VZ Village zone;

B-1 Neighborhood business;

B-2 Shopping center;

IP Light industrial park;

ORI Office research industrial;

C-R Conservation/recreation.

17.48.040 - Site plan required.

- A. A site plan must accompany applications for specific uses in lieu of the plat required above.
- B. A site plan shall be required for the following uses:
  - 1. ~~Open Space~~ **INSTITUTIONAL** District. Any permitted structure;
  - 2. Rural Reserve District. Common open space development. Conditional uses;

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ORD. NO. 16-03

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3. R-1, R-2, R-3, and RS Districts.\*\* Common open space development. Multi-family dwellings. Uses permitted by special exception;
4. B-1, B-2, HS, IP and ORI Districts. All uses.

\* Site plans required for special exception and conditional uses in the various districts shall be subject to approval of the board of appeals.

\*\* Where subdivision regulations apply, site plan and preliminary subdivision plat submitted as one plat meeting both sets of requirements.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_\_ for, \_\_\_ against, \_\_\_ absent, and \_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Cathy Willets, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

AN ORDINANCE TO AMEND  
TITLE 16  
OF THE CODE OF EMMITSBURG  
ENTITLED  
SUBDIVISIONS

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 16; Section 16.48.070 of the Emmitsburg Municipal Code, be amended by modifying the definition of the term "Institutional development area". All other definitions in Section 16.48.070 remain unchanged.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

16.48.070 - Definitions.

In this section, the following terms have the meanings indicated:

"Institutional development area" includes **CIVIC, INSTITUTIONAL, AND CULTURAL USES, SUCH AS LIBRARIES, MEETING HALLS, FIRE AND RESCUE STATIONS, POST OFFICES, GOVERNMENT BUILDINGS, GOVERNMENT OFFICES AND FACILITIES, MEMORIALS, AMPHITHEATERS, MUSEUMS, PLACES OF WORSHIP**, schools, colleges and universities, military installations, transportation facilities, utility and sewer projects, ~~government offices and facilities, golf courses, recreations areas, parks,~~ and cemeteries and corresponds to the Emmitsburg zoning classification: ~~OS-~~**INST.**

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_ for, \_\_ against, \_\_\_\_absent, and \_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Cathy Willets, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

ORDINANCE SERIES 2016  
ORD. NO. 16-05

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AN ORDINANCE TO AMEND  
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ZONING

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**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 17.04.020 of the Emmitsburg Municipal Code, be amended by modifying the definition of the term "Institutional development area". All other definitions in Section 17.04.020 remain unchanged.

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

17.04.020 - Definitions.

B. Definitions.

**"INSTITUTIONAL" MEANS CIVIC, AND CULTURAL USES, SUCH AS LIBRARIES, MEETING HALLS, FIRE AND RESCUE STATIONS, POST OFFICES, GOVERNMENT-OWNED BUILDINGS, GOVERNMENT OFFICES AND FACILITIES, MEMORIALS, AMPHITHEATERS, MUSEUMS, PLACES OF WORSHIP, SCHOOLS, COLLEGES AND UNIVERSITIES, MILITARY INSTALLATIONS, TRANSPORTATION FACILITIES, UTILITY AND SEWER PROJECTS, AND CEMETERIES.**

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_ for, \_\_ against, \_\_\_\_absent, and \_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Cathy Willets, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

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**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17; Section 17.28.10, 17.28.020, 17.28.040, and 17.28.050 of the Emmitsburg Municipal Code, be amended as follows:

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

Chapter 17.28 --~~OS OPEN SPACE DISTRICT~~ **INST INSTITUTIONAL DISTRICT**  
Sections:

17.28.010 - Purpose of provisions.

The ~~open space~~ **INSTITUTIONAL** district is intended to **ACCOMMODATE CIVIC, EDUCATIONAL, AND CULTURAL USES, SUCH AS LIBRARIES, MEETING HALLS, SCHOOLS, FIRE AND RESCUE STATIONS, POST OFFICES, GOVERNMENT BUILDINGS, MEMORIALS, AMPHITHEATERS, MUSEUMS, PLACES OF WORSHIP, AND SIMILAR FACILITIES.** ~~open space for its natural beauty and recreational value. It is also intended to preserve natural resources, prevent erosion, pollution, silting, and safeguard the health, safety and welfare of persons and property by limiting development on excessive slopes, on flood plains, on poorly drained lands, or on other areas where protection against natural dangers to life and property, or the lack of such protection would prove costly to members of the community.~~

17.28.020 - Uses permitted in the district.

Uses permitted in the ~~OS~~ **INSTITUTIONAL** district are as follows:

- A. Farms, tree and plant nurseries;
- B. Parks, playgrounds, golf courses, public and private recreational uses, and cemeteries;
- C. Game, wildlife, and nature study preserves and reservations;
- D. Schools and churches, and other public buildings, and those accessory uses commonly associated with them, such as retreats and conferences;
- E. Flood control, water protection works, sewage treatment plants, and other municipal public works;
- F. Nursing homes.

G. Senior housing utilizing buildings in existence as of September 1, 2010.

17.28.030 - Reserved.

17.28.040 - Required lot area, lot width and yards in ~~open-space district~~ **INSTITUTIONAL DISTRICT**.

Required lot area, lot width and yards in the ~~OS INST~~ district are as follows, except as specified in paragraph F., nursing homes, and paragraph G., senior housing:

- A. Minimum area: Not specified;
- B. Front yard: Fifty (50) feet;
- C. Rear yard: Fifty (50) feet;
- D. Side yard: Fifteen (15) feet;
- E. For structure higher than twenty-five (25) feet, the yard requirements shall be as follows:
  - 1. All yards: between the foundation and the nearest lot line, a distance of 2.5 times the height of the structure shall be maintained.
- F. Nursing homes shall comply with the following standards:
  - 1. Minimum lot area: Five acres;
  - 2. Minimum lot width: Two hundred (200) feet;
  - 3. Minimum front yard: One hundred (100) feet;
  - 4. Minimum rear yard: One hundred (100) feet;
  - 5. Minimum side yard: Fifty (50) feet;
  - 6. Maximum height: Fifty (50) feet or five stories;
  - 7. Maximum lot area per bed of five thousand (5,000) square feet.

G. Senior housing in existing buildings.

- 1. [Minimum Original Lot Size.] Minimum original lot size for consideration under this provision is fifty (50) acres, which must be contiguous and under one ownership, and situated entirely within the corporate boundaries of Emmitsburg, Maryland.
- 2. Yield Plan. A boundary survey and/or a record plat, prepared by a surveyor licensed to practice in the state of Maryland, must be submitted to the town. The town will use this plan to make its unit yield count determination.
- 3. Unit Count Determination. Each unit will require a minimum gross area of 1.44 acres of land.
- 4. Minimum Lot Size. The minimum lot size for any new lot created to site the herein noted senior housing will be a minimum of 2.0 acres, plus two thousand (2,000) square feet per unit. This must be a freestanding lot of record and must be



reviewed and approved by the town of Emmitsburg and must be recorded in the land records of Frederick County, Maryland.

5. Minimum Building Restriction Lines.

Front:	25 ft.
Side:	15 ft.
Rear:	25 ft.

However, a lot may have up to two zero building restriction lines if those sides of the lot are passing through the previously existing building. If this option is utilized, all remaining building restriction lines must be a minimum of twenty-five (25) feet.

6. Parking. Parking must be provided on the lot created for the senior housing and will be provided at the rate of two (2) spaces per unit.
7. Public Services/Infrastructure. The units created hereby will have to be metered and serviced independently of the original building or any part thereof, if only part of the original building is being used for the senior housing.
8. Public Access. The lot created for this purpose must have clear unobstructed access to a public road, as determined by the Town of Emmitsburg.
9. Site Plan Requirements. A standard site plan, per Town of Emmitsburg standards and regulations, must be submitted to the Town of Emmitsburg for review and approval

17.28.050 - Accessory uses.

In the ~~OS~~ **INSTITUTIONAL** district, accessory uses are as follows:

- A. General Signs. See Chapter 15.16.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_ for, \_\_ against, \_\_absent, and \_\_\_\_ abstain.

ATTEST:

By: \_\_\_\_\_  
Cathy Willets, Town Clerk

EMMITSBURG BOARD OF COMMISSIONERS

\_\_\_\_\_  
Timothy O'Donnell, President

## **AGENDA ITEMS**

### **ITEM 4**

*Public Discussion of Pembroke Woods maintenance report*

January 15, 2016

### **Pembroke Woods drive through**

Jerry and Jim

On Friday morning, Jerry and Jim took a drive through tour of this development to review the list of items Kendall Moore sent to the Town. We found the following:

1. The hydrants do need painting but there are others in Town that are worse. Town staff is currently working on the North Gate hydrants and then on some within the older part of Town. Pembroke is on the list but it will take awhile to get to them.
2. The Town has repaired some of the streets in Pembroke but the budget for street repair is limited and was impacted this year by some sidewalk issues. In the next road repair season further work will be done within the development.
3. All the street lights in Emmitsburg are 40 watt LED bulbs, with the exception of the downtown area, which are 30 watts. There is no plan to upgrade the wattage.
4. Irishtown Road is a County road and the Town will notify the County Highway Department to inspect the area.
5. The Town will add three Children at Play signs at the entrance of Stonehurst, Carrick and Pembroke Courts. The international sign for children at play will remain on Brookfield.
- \* 6. The Town will require a permit to update the community entrance signage. By code, the identification signage may be up to fifteen square feet and up to eight feet high. The Town would require a location plot of the sign, a drawn representation to determine square feet, and a cost estimate of the construction. There is no standard for design.
7. The Town will not allow additional signage to be attached to their street lights.

\* To be paid for by HOA.

#### **IV) SET AGENDA ITEMS FOR MARCH 7, 2016 TOWN MEETING**

1.

2.

3.

4.

5.

6.

**V) SIGN APPROVED TEXT AMENDMENTS AND/OR  
RESOLUTIONS**